

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 14, 2004

DIVISION TWO

B169612 Tracerton Enterprises, Inc. (Not for Publication)
 v.
 N.R.T., Inc., et al.

The judgment appealed from is affirmed. Respondents shall recover their costs of appeal from appellant.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

B170034 Barrios (Not for Publication)
 v.
 Kuder

The judgment is reversed. Appellant is awarded costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

B172201 People (Not for Publication)
 v.
 Oregon

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Ashmann-Gerst, J.

September 14, 2004 (Continued)

DIVISION TWO (Continued)

B168563 People (Not for Publication)
v.
Castillo

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Doi Todd, J.

DIVISION THREE

B166710 Lien Ping Chen
v.
John Fa Su, et al.

Filed order denying petition for rehearing.

DIVISION FOUR

B171848 People
v.
Frausto

Filed order granting petition for rehearing. Matter to be resubmitted upon filing of appellant's supplemental reply brief.

B168551 Henry
v.
City of Santa Fe Springs

Filed order denying petition for rehearing.

DIVISION FIVE

B170804 People (Not for Publication)
v.
Marcus Pulliam

The matter is remanded for resentencing. In all other respects, the judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B175667 Das Corporation (Not for Publication)
v.
Superior Court, Los Angeles County
(Kyung Kim et al., r.p.i.)

The petition for writ of mandate is granted. The respondent court is directed to vacate its order of May 13, 2004, denying petitioner's motion to compel production of records from United Bank and awarding sanctions, and enter a new and different order granting that motion, except with regard to the records of ZOIC Financial Services, Inc. The order shall further limit production of "monthly or periodic statements of account" and documents "reflecting transfers of money, deposits, withdrawals and instructions to transfer funds" to documents dated April 27, 2000, or later. In addition, documents "reflecting transfers of money, deposits, withdrawals and instructions to transfer funds" must first be submitted to the respondent court for an in camera review to determine whether any third party's privacy interests are implicated, and if so to establish a method for notifying those parties of the proposed production, permitting their submission of objections, and creating an appropriate protective order to preserve any privacy rights. Petitioner DAS is awarded its costs in this proceeding.

Armstrong, J.

I concur: Mosk, J.
I dissent: Grignon, Acting P.J. (Opinion)

September 14, 2004 (Continued)

DIVISION FIVE (Continued)

B173630 People v. Sandra Perry (Not for Publication)

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B169659 Ali Hashemi (Not for Publication)
v.
Rose Gonzalez et al.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B165849 Menacham Shallman (Not for Publication)
v.
Los Angeles Unified School District

The judgment is reversed. Appellant(s) to recover costs.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

September 14, 2004 (Continued)

DIVISION FIVE (Continued)

B170752 People (Not for Publication)
v.
Nicholas Avila

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B172036 People (Not for Publication)
v.
Jermaine L. Stacker

The abstract of judgment is ordered corrected to show that appellant was convicted of second degree murder. The clerk of the superior court is instructed to prepare an amended abstract of judgment showing such a conviction, and to deliver a copy of the amended to the Department of Corrections. The judgment is affirmed in all other respects.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

B170630 People (Not for Publication)
v.
Edwin N. Gonzalez

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

September 14, 2004 (Continued)

DIVISION FIVE (Continued)

B171107 People (Not for Publication)
v.
Thomas L. Hubbard

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B164071 Hikmat Barikhan (Not for Publication)
v.
J. Keith Stephens

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B172743 Stanley Chin (Not for Publication)
v.
Dollar Financial Group

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

September 14, 2004 (Continued)

DIVISION FIVE (Continued)

B176001 Josephine A. (Not for Publication)

V.

Superior Court, Los Angeles County
(DCFS, r.p.i.)

The petition is denied.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B175100 Los Angeles County, D.C.S. (Not for Publication)

V.

Shanta D.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B170952 People (Not for Publication)

V.

Thomas James Wallace

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

September 14, 2004 (Continued)

DIVISION FIVE (Continued)

B176014 People (Not for Publication)
v.
Samuel Chavez

The appeal is dismissed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION SIX

B173252 People v. Luis R. (Not for Publication)

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SEVEN

B170520 Shabtay et al. (Not for Publication)
v.
20th Century Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

September 14, 2004 (Continued)

DIVISION SEVEN (Continued)

B167092 People (Not for Publication)
v.
Mitchell

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B166250 Swinerton Builders (Not for Publication)
v.
Fashion World-Santa et al.

The judgment is reversed. Each party to bear their own costs on appeal.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B171627 People
v.
Persall

Filed order denying petition for rehearing.

DIVISION EIGHT

B165097 People (Not for Publication)
v.
Douglas

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

DIVISION EIGHT (Continued)

B165638 Cecile Alch, et al. (Certified for Publication)
B166009 v.
B170564 Superior Court, Los Angeles County
B170629 (Time Warner Entertainment, et al., r.p.i.)

The writ petitions in No. B165638 are granted. Let a peremptory writ of mandate issue directing the trial court to vacate its order of January 16, 2003, sustaining the demurrers of the networks and studios and to enter a new and different order overruling the demurrers. Costs are awarded to the petitioners.

The motion to dismiss the appeals in the lawsuits against the talent agencies (No. B166009) is denied. The trial court's order of January 16, 2003 is affirmed to the extent it holds the appellants may not sue the talent agencies directly under the Fair Employment and Housing Act for conduct occurring prior to January 1, 2003, and is otherwise reversed. The causes are remanded with instructions to overrule the demurrers of the talent agencies to the first amended complaints. The appellants are to recover their costs.

The writ petition in No. B170564 is granted. Let a peremptory writ of mandate issue directing the trial court to vacate its order of August 14, 2003, to the extent the order requires the petitioners to amend their claims under the unfair competition law to allege potential competitive harm or likely consumer deception, and to enter a new and different order overruling the demurrer of William Morris Agency to the petitioners' second amended complaint on that ground. Costs are awarded to the petitioners.

The trial court's order of August 14, 2003, is affirmed (No. B170629) to the extent it sustains, without leave to amend, the respondents' demurrers to the appellants' class claims under the unfair competition law. The respondents are to recover their costs.

Boland, J.

We concur: Cooper, P.J.
 Flier, J.